

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Office Action of January 24, 2006. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

Claims 1-135 were pending in the present application prior to the above amendment. In response to the Office Action, Claims 3, 7-10, 12-19, 21-22, 25-26, 28, 30-34, 37-40, 42-46, 48, 53-54, 57, 59-64, 66, 70, 74-76, 78-85, 87-88, 91-92, 94, 96-100, 103-106, 108-112, 114, 119-120, 123, 125-130, and 132 have been amended above, and claims 67 and 133 have been canceled. Therefore, claims 1-66, 68-132, and 134-135 are still pending in the present application, and are believed to be in proper condition for allowance.

Referring now to the Office Action, the Examiner requested addition of an Abstract for the present application. Correspondingly, an Abstract is submitted herewith on a separate sheet, as requested. Acceptance and entry of the submitted Abstract is respectfully requested.

In the Office Action, claims 67 and 133 were objected to under 37 CFR 1.75(c) as failing to further limit the subject matter of a previous claim. In response thereto, these claims have been canceled by the above amendment. In addition, the Examiner further objected to claims 7-66, 74-132, and 134-135, stating that multi-dependent claims cannot depend from other multi-dependent claims. The Examiner further noted these claims have not been further treated on the merits in the present Office Action. In response thereto, those claims having multi-dependencies have been amended to eliminate the multi-dependencies. Correspondingly, the withdrawal of this objection, and the examination of these claims on the merits, are respectfully requested.

Referring again to the Office Action, claims 1-3, and 68-69 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,690,918 to Evans et al. The Applicants respectfully disagree with the Examiner's rejection for the reasons set forth hereinbelow.

Independent claim 1 of the present application recites a communications device including a memory adapted to store at least one profile of a user in the device, the profile

containing predetermined attributes and requirements of the user. As is clearly described in the specification of the present application, “attributes” are personal data of the user, and contain certain characteristics of the user. The “requirements” are the user’s search criterion, and define which attributes (personal data) relating to other users of compatible devices that is being sought by the user of the device. Independent claim 68 discloses a corresponding communication method that utilizes a communications device.

In the present invention, the device receives the requirements (i.e. search criteria) from a compatible device, and then compares these against stored attributes, which again, represent personal data of the user of the device. As recited in independent claims 1 and 68, the device of the present invention does not need to receive information relating to attributes of the compatible device in order to register a match with the compatible device. Thus, the personal data of the user of the device is not revealed to any other device during the matching process. This feature of the present invention is extremely beneficial in that the personal data of the user may well be very private information, for example, in personal dating application of the present invention. In such circumstances, a user may be strongly against transmitting personal details about themselves to any other device that are within range.

In an alternative example application of the present invention, the personal data of the user may be very large. For example, in an application in which the device of recited in claim 1 belongs to a real estate agent, the device may have stored therein, literally hundreds of properties that are on the real estate agents books. In such circumstances, it would involve an extremely large amount of bandwidth of a wireless communication channel for the real estate agent’s device, to send details of the properties to a user of a compatible device.

Referring now to the cited U.S. Patent No. 6,690,918 to Evans et al., this reference discloses a networking system in which devices can communicate over a wireless network. The Evans et al. reference discloses that each device can store “real” and “request” profiles of a user. (See Col. 6, lines 34-36). Furthermore, Evans et al. discloses that each device is able to match received real profiles with stored request profiles. However, it is clear from the disclosure of Evans et al. that the system disclosed is completely different from the system and method of the present invention as recited in claims 1 and 68. In

particular, Evans et al. teaches that the “real” profiles reflect personal data such as appearance, interests, hobbies, income, marital status, etc., of the user. It is also disclosed that a “request” profile reflects a users desired attributes in someone with whom they might consider socializing with. In stark contrast to the present invention, Evans et al. teaches the sending of attributes (real profiles), and matching received attributes with stored requirements (request profiles). Hence, Evans et al. clearly fails to disclose the system and method of the present invention as defined in claims 1 and 68, these claims reciting a system or method in which the device does not need to receive information relating to attributes of the compatible device in order to register a match with the compatible device. As noted, this feature allows the personal data of the user of the device to not be revealed to any other device during the matching process.

Therefore, the Applicants respectfully submit that each and every feature of claims 1 and 68, as filed, is not disclosed, taught, or otherwise suggested by the cited Evans et al. reference. Correspondingly, the Applicants request the withdrawal of this rejection, and the allowance of claims 1-3, and 68-69, as well as all of the claims ultimately dependent on independent claims 1 or 68.

Referring again to the Office Action, claims 4-6, and 70-73 were rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al., discussed above, in view of U.S. Publication 2004/0203363 to Carlton et al. The Applicants again respectfully disagree with the Examiner’s rejection in that Carlton et al. fails to cure the above described deficiencies of the primary Evans et al. In particular, the Carlton et al. reference discloses a portable communication apparatus that stores “Who Am I” (WIA) and “Who Would I Like To Meet” (WIWLTM) profiles. The WIA profiles broadly relate to information pertaining to the user, and WIWLTM profiles contain information relating to search criteria. However, the WIWLTM profiles also contain personal information relating to the user as disclosed in paragraph [0048] of Carlton et al. Importantly during the matching process, WIWLTM profiles are sent to users of the compatible devices. In addition, as discussed in paragraph [0100] of Carlton et al., during the matching process, the “Must Match” part of the WIA profile is also sent to the compatible device. Thus, the matching process disclosed in Carlton et al. also requires the sending of a portion of the WIA profile which would include “attributes” in the language of claims 1 and 68, and the WIWLTM

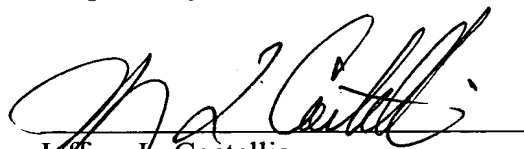
profile (which also includes "attributes" as it contains personal information relating to the user), to users of the compatible device.

Therefore, in contrast to the present invention of these claims in which the device does not need to receive information relating to attributes of the compatible device in order to register a match with the compatible device, the Carlton et al. reference clearly teaches the need to send attributes during the matching process. Correspondingly, even if these references are combined in the manner suggested by the Examiner, they still fail to disclose, teach, or otherwise suggest, the communications device and method of the present invention as recited in the rejected claims 4-6, and 70-73. Therefore, the withdrawal of this rejection, and the allowance of these claims, are respectfully requested.

Finally, the examination and allowance of claims 7-66, 74-132, and 134-135, are respectfully requested, these claims being ultimately dependent on independent claim 1 or independent claim 68 which are believed to be in proper condition for allowance as discussed above.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if any issue remains after considering this response, the Examiner is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



Jeffrey L. Costellia
Registration No. 35,483

NIXON PEABODY LLP
401 9th Street, N.W., Suite 900
Washington, D.C. 20004-2128
(202) 585-8000
(202) 585-8080 (Fax)
Customer No. 22204

Date: May 24, 2006